IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 1628 of 2005

Between:

Reddy Rohini W/o Prasad Reddy,
R/o Dasireddygari Palle, H/o Palamada Sadum Mandal,

Chittoor District

..... PETITIONER

AND

1 The Joint Collector, Chittoor.
2 Revenue Divisional Officer, Madanapalli, Chittoor District
3 Mandal Revenue Officer Sadum (M), Chittoor District

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of writ of Certiorari declaring the impugned proceedings Roc. A3/168/05 dated 12-1-2005 passed by the Revenue Divisional Officer Madanapalli as illegal, arbitrary unconstitutional and in violation of Art 14, 21 of the Constitution of India and consequently to suspend the impugned proceedings passed by the Revenue Divisional Officer, Madanapalli Chittoor District and to pass such other or further orders as this Hon'ble Court may deem fit.

Counsel for the Petitioner: MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondent Nos.1 to 3: G.P. FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.1628 OF 2005

ORAL ORDER:

Heard both sides.

2. Challenging the proceedings, dated 12-01-2005, of the second respondent, suspending the dealership of the petitioner, pending enquiry, under various charges, the present writ petition has been filed.

3. The petitioner is an authorized fair price shop dealer. From the impugned order, it is obvious that the Revenue Divisional Officer, Madanapalle, before passing the same got an enquiry conducted by the Mandal Revenue Officer and the Mandal Revenue Inspector pursuant to the instructions issued by the Joint Collector, Chittoor.

4. Precisely that was the reason that a learned Judge of this Court on 04-02-2005 observed that the petitioner was handicapped from preferring an appeal because the inspection and the consequential suspension of the authorization of the petitioner was

pursuant to the telephonic instructions issued by the Joint Collector, who is no other than the appellate authority. The appeal is a statutory right. In such circumstances, the interim order of suspension of the impugned proceedings was granted.

5. For the same reasons, I deem it appropriate to direct the respondents to conduct an enquiry as contemplated under the impugned proceedings, as expeditiously as possible.

6. With the above direction, the writ petition is disposed of, at the stage of admission. But, in the circumstances, there shall be no order as to costs.

7. However, since the order of interim suspension of the impugned proceedings, dated 12-01-2005, passed by this Court, dated 04-02-2005, is still in subsistence, I deem it further appropriate to continue the same till the final order is passed, after completion of the enquiry.

D.S.R.VARMA, J

03RD MARCH, 2005

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Joint Collector, Chittoor.
2 The Revenue Divisional Officer, Madanapalle Chittoor District
3 The Mandal Revenue Officer Sadum (M) Chittoor District

4. Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad (OUT)

5. Two CD copies